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10/089,529	07/16/2002	Joe Zock	P-6485	7316

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EXAMINER

SKAARUP, JASON M

ART UNIT PAPER NUMBER

3714

DATE MAILED: 07/29/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/089,529

Applicant(s)

ZOCK, JOE

Examiner

Jason Skaarup

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because Figure 2E does not contain reference numeral "40" to indicate a start button as described on page 8 (in the first line of the second complete paragraph thereof) of Applicant's specification. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 34 recite the limitation "and/or" which renders those claims indefinite because it is unclear whether both or only one of the limitations surrounding the phrase "and/or" are part of the claimed invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-22, 24-30 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoseloff (WO 9855191 A1).

Yoseloff discloses an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. Yoseloff discloses:

funds acceptance means for accepting funds from a player (see wager acceptor 16 of Fig. 1 along with the related description thereof);

funds delivery means responsive to the outcome of the game (see coin dispenser of Fig. 2 and receiving tray 28 of Fig. 1 along with the related descriptions thereof);

user interface means for allowing the user to interact with the game (see player controls 18 of Figs 1 and 2 along with the related description thereof);

game control means for controlling the operation of the game (see microprocessor MPU 20 of Fig. 2 along with the related description thereof), the game control means being responsive to the funds acceptance means, and including generator means for generating a plurality of winning object strings (see block 17 of Fig. 3 along with the related description thereof) from a set of objects (see page 14, lines 23-28 and symbols 46 of Fig. 4 along with the related description thereof); and

game display means controlled by the game control means and the user interface means (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4 along with the related descriptions thereof), the game display means including means for generating a plurality of legs (see rows of numbers 32, 34, 36, 38, 40 and 42 Fig. 4 along with the related descriptions thereof), with each leg being arranged to receive at least one object drawn from the set of objects (see block 15 of Fig. 3 along with the related description thereof),

wherein the game control means is arranged to compute a payout in the event of a predetermined correlation existing between the at least one drawn object and the winning object string in respect of a particular leg (see block 21 of Fig. 3 along with the related description thereof) and to allow the player selectively to receive at least a portion of the payout (see block 21 of Fig. 3 along with the related description thereof) and/or to

Art Unit: 3714

progress to the next leg (see box 44 and display 48 of Fig. 4 along with the related description thereof).

Regarding claims 20 and 28, Yoseloff discloses odds varying means for enabling the player to vary the odds in a particular leg during play.

See block 15 of Fig. 3 along with the related description thereof and page 10, lines 11-14 and page 14, lines 23-28.

Regarding claims 21 and 29, Yoseloff discloses drawn object varying means for dynamically varying the number of drawn objects in a leg during play. See page 14, lines 23-28 and block 15 of Fig. 3 along with the related description thereof, wherein the player selects a subset of X numbers to play.

Regarding claims 22 and 30, Yoseloff discloses object string varying means for dynamically varying the number of generated objects in the winning string which are to be correlated with the at least one drawn object during play. See page 14, lines 23-28 and block 17 of Fig. 3 along with the related description thereof, wherein the MPU selects a subset of Y winning symbols.

Regarding claim 24, Yoseloff discloses the drawn objects being player-designated or drawn. See page 14, lines 23-28 and block 15 of Fig. 3 along with the related description thereof, wherein the player selects a subset of X numbers to play.

Art Unit: 3714

Regarding claims 25 and 32, Yoseloff discloses the winning object strings being randomly or pseudo-randomly generated number strings, with the objects being numbered from 0 - 9. See page 15, lines 20-21 and block 17 of Fig. 3 along with the related description thereof, wherein the subset of Y winning symbols includes 0000-9999.

Regarding claims 26 and 33, Yoseloff discloses a printed ticket which is designed or selected by the player and printed prior to the payout being computed. See ticket 32 of Fig. 4 along with the related description thereof.

Additionally, Yoseloff discloses a gaming ticket as recited in claim 34. The gaming ticket comprises:

- a wager indicator for indicating the quantum of a wager laid by a player (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4 along with the related descriptions thereof which display credit or wagers accepted by the wager acceptor 16 of Fig. 1);

- a customized betting zone (see ticket 32 of Fig. 4 along with the related description thereof) comprising a plurality of legs (see rows of numbers 32, 34, 36, 38, 40 and 42 Fig. 4 along with the related descriptions thereof), with each leg comprising a plurality of sub-zones in which objects pre-selected by the player from a set of objects are printed;
- and

a dynamic withdrawal indicator (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4 along with the related descriptions thereof which display withdrawals or cash outs indicated from the cash out button 24 of Fig. 1) for allowing the player selectively to receive at least a portion of a payout (see block 21 of Fig. 3 along with the related description thereof) and/or to progress to the next leg (see box 44 and display 48 of Fig. 4 along with the related description thereof), the payout being computed in the event of a predetermined correlation existing between the at least one drawn object and a winning object string subsequently generated.

Regarding claim 35, Yoseloff discloses a results card for receiving the winning object string from the set of objects. See screen display 66 of Fig. 5 and the related description, wherein a video representation of a winning subset 54, 56, 58, 60 and 62 are displayed.

Regarding claim 36, Yoseloff discloses an odds varying indicator for indicating how the odds in a particular leg have been varied. See block 15 of Fig. 3 along with the related description thereof and page 10, lines 11-14 and page 14, lines 23-28.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:



A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 19-22, 24-30 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Stern (U.S. Patent Publication No. 2003/0160830).

Stern discloses an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. Stern discloses:

funds acceptance means for accepting funds from a player (see coin entry slot 16 of Figs. 1 and 2 along with the related description thereof);

funds delivery means responsive to the outcome of the game (see coin hopper 18 of Figs. 1 and 2 along with the related description thereof);

user interface means for allowing the user to interact with the game (see input area 23 of Figs. 1 and 2 along with the related description thereof);

game control means (see CPU 24 of Figs. 1 and 2 along with the related description thereof) for controlling the operation of the game, the game control means being responsive to the funds acceptance means, and including generator means for generating a plurality of winning object strings (see rotatable reels 103 of Figs. 4-6 along with the related

Art Unit: 3714

description thereof) from a set of objects (see selectable playing objects 100 of Figs. 4-6 along with the related description thereof); and

game display means (see display screen 20 of Figs. 1 and 2 along with the related description thereof) controlled by the game control means and the user interface means, the game display means including means for generating a plurality of legs (see play area 105 of Figs. 5 and 6 along with the related description thereof), with each leg (see player selectable elements 115-119 of Figs. 5 and 6 along with the related description thereof) being arranged to receive at least one object (a number from 0-9 as described in paragraph [0070]) drawn from the set of objects,

wherein the game control means is arranged to compute a payout in the event of a predetermined correlation existing between the at least one drawn object and the winning object string in respect of a particular leg (see payout 92 of Fig. 3 along with the related description thereof) and to allow the player selectively to receive at least a portion of the payout (payout 92) and/or to progress to the next leg (wherein the method of Fig. 3 starts over at block 40 for the player's next selection of playable objects 100 and spin of rotatable reels 103).

Regarding claims 20 and 28, Stern discloses odds varying means for enabling the player to vary the odds in a particular leg during play. See player selectable elements 112-119 of Figs. 4-6 along with the related

Art Unit: 3714

description thereof, wherein the odds of each selection is varied depending on the number of selections made.

Regarding claims 21 and 29, Stern discloses drawn object varying means for dynamically varying the number of drawn objects in a leg during play. See player selectable elements 115-119 of Figs. 5 and 6 along with the related description thereof, wherein the player selects a number of selectable elements 115-119.

Regarding claims 22 and 30, Stern discloses object string varying means for dynamically varying the number of generated objects in the winning string which are to be correlated with the at least one drawn object during play. See elements 132-136 of Fig. 6 along with the related description thereof, wherein the player selects a number of selectable elements 115-119 and the number of generated objects 132-136 in the winning string is matched to the number of selectable elements 115-119.

Regarding claim 24, Stern discloses the drawn objects being player-designated or drawn. See player selectable elements 115-119 of Figs. 5 and 6 along with the related description thereof, wherein the player selects a number of selectable elements 115-119.

Regarding claims 25 and 32, Stern discloses the winning object strings being randomly or pseudo-randomly generated number strings,

Art Unit: 3714

with the objects being numbered from 0 - 9. See paragraph [0070] along with elements 132-136 of Fig. 6 along with the related description thereof.

Regarding claims 26 and 33, Stern discloses a printed ticket which is designed or selected by the player and printed prior to the payout being computed. See Figs. 5 and 6 along with the related description thereof, wherein the display screen 20 displays a printed ticket designed or selected by the player and printed (displayed) prior to the payout being computed.

Additionally, Stern discloses a gaming ticket as recited in claim 34. The gaming ticket comprises:

- a wager indicator (see wager and credit display 107 of Fig. 4 along with the related description thereof) for indicating the quantum of a wager laid by a player;

- a customized betting zone comprising a plurality of legs (see play area 105 of Figs. 5 and 6 along with the related description thereof), with each leg comprising a plurality of sub-zones (see player selectable elements 115-119 of Figs. 5 and 6 along with the related description thereof) in which objects pre-selected by the player (player selectable elements 115-119) from a set of objects (see selectable playing objects 100 of Figs. 4-6 along with the related description thereof) are printed (displayed on display screen 20 of Figs. 1 and 2); and

a dynamic withdrawal indicator for allowing the player selectively to receive at least a portion of a payout (see cash out button 143 of Fig. 6 along with the related description thereof) and/or to progress to the next leg (wherein the method of Fig. 3 starts over at block 40 for the player's next selection of playable objects 100 and spin of rotatable reels 103), the payout being computed in the event of a predetermined correlation existing between the at least one drawn object (a number from 0-9 as described in paragraph [0070]) and a winning object string (see rotatable reels 103 of Figs. 4-6 along with the related description thereof) subsequently generated (see payout 92 of Fig. 3 along with the related description thereof).

Regarding claim 35, Stern discloses a results card for receiving the winning object string from the set of objects. See rotatable reels 103 of Figs. 4-6 along with the related description thereof, wherein the winning object string is displayed on the display screen 20 from the selectable playing objects 100 of Figs. 4-6.

Regarding claim 36, Stern discloses an odds varying indicator for indicating how the odds in a particular leg have been varied. See player selectable elements 115-119 of Figs. 5 and 6 along with the related description thereof, wherein the player selects a number of selectable elements 115-119.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Weiss (U.S. Patent No. 6,511,377).

Yoseloff teaches an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. However, Yoseloff does not explicitly teach dynamic withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game as recited in claims 23 and 31. In a related gaming system, Weiss teaches withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game. See Col. 15, line 32 to Col. 16, line 34, wherein a withdraw screen including type of transaction (withdrawal) and transaction amount (amount of withdrawal as expressed by a player-determined percentage) and funds available for withdrawal is displayed on a display. It would have been obvious for one skilled in the art at the time of the invention to incorporate the withdrawal selection

Art Unit: 3714

menu of Weiss into the gaming system and method of Yoseloff to provide the player with increased cashier control and to provide the gaming establishment with withdrawal details for the player as desirably taught by Weiss.

10. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern in view of Weiss.

Stern teaches an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. However, Stern does not explicitly teach dynamic withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game as recited in claims 23 and 31. In a related gaming system, Weiss teaches withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game. See Col. 15, line 32 to Col. 16, line 34, wherein a withdraw screen including type of transaction (withdrawal) and transaction amount (amount of withdrawal as expressed by a player-determined percentage) and funds available for withdrawal is displayed on a display. It would have been obvious for one skilled in the art at the time of the invention to incorporate the withdrawal selection menu of Weiss into the gaming system and method of Stern to provide the player with increased cashier control and to provide the gaming

Art Unit: 3714

establishment with withdrawal details for the player as desirably taught by Weiss.

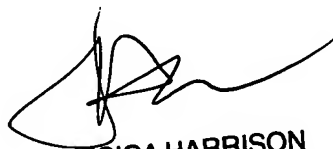
***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 703-605-4996. The Examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON  
PRIMARY EXAMINER